

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1479 - HB 1887

March 30, 2009

SUMMARY OF BILL: Creates mandatory minimum sentences for the Class A misdemeanor offense of violation of an order of protection or restraining order. First violation requires a 30-day minimum sentence, second violation requires a 90-day minimum sentence, and a third violation requires a six-month minimum sentence. Increases the penalty to a Class E felony with a minimum sentence of one year for a fourth or subsequent violation for orders of protection or restraining orders. Any sentence imposed shall be served consecutively to the sentence for any other similar offense unless the sentencing judge specifically orders concurrent sentences.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$106,600/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures - \$979,800**

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 29 convictions for violations of orders of protection in each of the past three years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 290 per year.
- The Department of Correction (DOC) estimates one percent (3) would be fourth or subsequent convictions and will result in a Class E felony rather than a Class A misdemeanor. One-half (144) of the 287 (290 - 3) Class A misdemeanors will be first time offenders and will serve a mandatory 30-day sentence. The statewide average cost for county jails is \$45.55 per offender per day. The additional operating cost for 144 offenders is \$196,776 (\$45.55 x 144 offenders x 30 days). One-third (95) will be second-time offenders and will serve a mandatory 90-day sentence at a cost of \$389,452.50 (\$45.55 x 95 offenders x 90 days). The remaining 48 will be third-time offenders and will serve a mandatory 6-month sentence at a cost of \$393,552 (\$45.55 x 48 offenders x 180

days). The total additional operating cost for local government is \$979,780.50 (\$196,776 + \$389,452.50 + \$393,552).

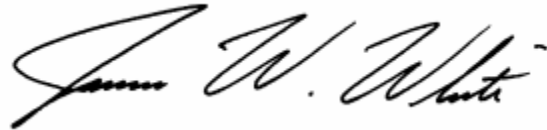
- No significant incarceration cost increase will occur due to population growth for the Class E offenses in this period. Three offenders would receive a Class E felony as a result of this bill. The total additional operating cost for three offenders is \$106,644.33 (\$35,548.11 x 3).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc